

-6-

REMARKS

In response to the Office Action mailed on June 29, 2007, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, 16-19, and 21-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 8, 12 and 18 have been amended. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. While Applicants disagree with the Examiner's assertion, Applicants have nonetheless amended the claims to overcome the Examiners rejection on these grounds.

Claims 1 and 3-7 were rejected under 35 U.S.C. §102(e) as being unpatentable over US Patent Publication 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent Publication 2004/0120292 to Trainin (hereinafter Trainin). The Examiner also rejected claim 23 as being unpatentable over Sherman in view of Trainin and further in view of well-known prior art. It is well established that a rejection under §102 requires only a single reference, and that the combination of references to make a §102 rejection is impermissible. Accordingly, these rejections should be removed.

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Sherman, in view of Trainin and further in view of U.S. Patent Publication No. 2002/0118667 to Chinatada et al. (hereinafter Chinatada). The Examiner rejected claims 8, 10-11, 18 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of U.S. Patent Publication No. 2004/0037320 to Dickson (hereinafter Dickson). Additionally, the Examiner rejected claim 24, 9, 1925 and 26 under various combinations of Sherman, Dickson, Chinatada and well-known prior art.

Claim 1 has been amended to recite "... wherein, following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required". Generating a frame with an acknowledgement whether an acknowledgement is required or not, enables frames to be prepared in advance.

-7-

The receiving station can chose to ignore the acknowledgment if it is not required. In such a manner, the overall speed and efficiency of the network is increased. The prior art of record fails to disclose or suggest generating an acknowledgement for a frame regardless of whether an acknowledgment is required or not. Accordingly, claim 1 is believed allowable over the prior art of record. Claims 8, 12 and 18 have been amended in a similar fashion and are believed allowable for at least the same reasons as claim 1. The remaining dependent claims depend from claims 1, 8, 12 or 18 and are believed allowable as they depend from a base claim which is believed allowable.

In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

-8-

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

---

David W. Rouille, Esq.  
Attorney for Applicants  
Registration No.: 40,150  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 616-9660  
Facsimile: (508) 616-9661

Attorney Docket No.: AVA04-01

Dated: October 23, 2007